

JPAC

PTO/SB/21 (10-07)  
Approved for use through 10/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/811,226-Conf. #1072
	Filing Date	March 26, 2004
	First Named Inventor	Hermann Wagner
	Art Unit	1614
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	C1041.70005US01

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition to Withdraw Holding of Abandonment Copy of Response to Notice to Filing Missing Parts and associated papers filed May 25, 2004 Copy of canceled check #440019683 Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature			
Printed name	Helen C. Lockhart		
Date	November 8, 2007	Reg. No.	39,248

Certificate of Mailing Under 37 CFR 1.8(a)	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Date: <u>Nov. 8, 2007</u>	Signature: <u>Sharon R. Lloyd</u> (Sharon R. Lloyd)



Docket No.: C1041.70005US01  
(PATENT)

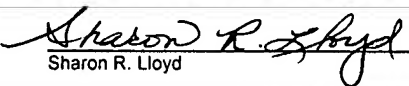
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wagner et al.  
Serial No.: 10/811,226  
Confirmation No.: 1072  
Filed: March 26, 2004  
For: PHARMACEUTICAL COMPOSITIONS COMPRISING A  
POLYNUCLEOTIDE AND OPTIONALLY AN ANTIGEN  
ESPECIALLY FOR VACCINATION  
Examiner: Not Yet Assigned  
Art Unit: 1614

Certificate of Mailing Under 37 CFR 1.8(a)

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Dated: Nov. 8, 2007

  
Sharon R. Lloyd

**STATEMENT UNDER 37 CFR 1.8(B) TO SUPPORT PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT**


Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby submits that the attached papers were transmitted to the USPTO by US Mail and included a certificate of mailing in compliance with 37 CFR 1.8 (a).

Dated: November 8, 2007

Respectfully submitted,

By 

Helen C. Lockhart, Reg. No. 39,248  
WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
(617) 646-8000



Docket No.: C1041.70005US01  
(PATENT)

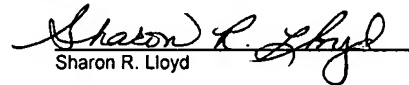
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Wagner et al.  
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ESPECIALLY FOR VACCINATION  
Examiner: Not Yet Assigned  
Art Unit: 1614

**Certificate of Mailing Under 37 CFR 1.8(a)**

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Dated: Nov. 8, 2007

  
Sharon R. Lloyd

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions that the holding of abandonment of the above-identified patent application be withdrawn under 37 C.F.R. § 1.181.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

Applicant timely filed a response with the USPTO using a certificate of mailing under 37 C.F.R. 1.8(a). Attached is a copy of the papers filed with the USPTO on May 25, 2004. A copy of

the check submitted with the papers on May 25, 2004, indicating that the check was cashed is also enclosed . Also enclosed is a statement in compliance with 37 C.F.R. 1.8(b).

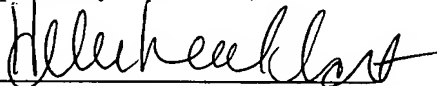
The abandonment of the patent application did not come to Applicant's attention until the Notice of Abandonment mailed from the USPTO on 09/13/07 was received by Applicant.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. It is submitted, therefore, that on the basis described above the abandonment should be held to be inadvertent, the enclosed Response to Missing Parts should be entered and the case revived.

No petition fee is required. The Director is hereby authorized to charge a fee if it is required, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 23/2825, under Docket No. C1041.70005US01.

Dated: November 8, 2007

Respectfully submitted,

By 

Helen C. Lockhart, Reg. No. 39,248  
WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
(617) 646-8000

Wolf, Greenfield & Sacks, P.C.

PTM Account  
600 Atlantic Avenue  
Boston, MA 02210



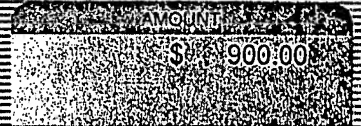
CITIZENS BANK  
MASSACHUSETTS

537017/2110



CHECK NO. 440019683

PAY Nine Hundred AND 00/100 DOLLARS



TO THE Commissioner of Patents & Trademarks

ORDER

OF  
C-1047-7000-21501

*Richard D. O'Brien*  
AUTHORIZED SIGNATURE

0000090000

PATENT AND TRADEMARK OFFICE  
13-10-0001  
05-28-2004  
FOR CREDIT TO THE  
U.S. TREASURY

3191 67714

CITIZENS 3465/05/231/001  
NIVERSIDE RI 06032004  
011500120

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0110-0001-5

ENT=0134 TRC=0129 PK=05

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0520-0027-8 FRB BALTIMO

ENT=3769 TRC=3862 PK=19

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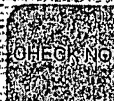
Wolf, Greenfield & Sacks, P.C.

PTFM Account  
600 Atlantic Avenue  
Boston, MA 02210



CITIZENS BANK  
MASSACHUSETTS

5-7017/2110



44 0019683

Nine Hundred AND 00/100 DOLLARS

May 24, 2004

\$ 900.00

Commissioner of Patents & Trademarks

THE  
IDER

*Patricia D. O'Brien*  
AUTHORIZED SIGNATURE

Serial No. 10/811,226 File No. C1041.70005USD1 By: HCL:TMF

Title: PHARMACEUTICAL COMPOSITIONS COMPRISING A...

Application of WAGNER ET AL WGS Date: 7/11/04

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

- |   |   |
|---|---|
| <input type="checkbox"/> Mailing by Express Mail (37 CFR 1.10)<br>Express Mail Label No. _____  | <input type="checkbox"/> Provisional Application Cover Sheet                |
| <input type="checkbox"/> Patent Application   | <input type="checkbox"/> Multiple Dependent Claim Fee Sheet                 |
| <input type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional<br>Incl. _____ pages, ( _____ pgs) Specification,<br>( _____ pgs) Abstract, ( _____ pgs) Claims ( _____ # claims) | <input type="checkbox"/> Inf. Discl. Statement, PTO Form 1449               |
| <input type="checkbox"/> Design Patent Application  | <input type="checkbox"/> References Cited                                   |
| <input type="checkbox"/> Declaration(s) _____   | <input checked="" type="checkbox"/> Priority Document(s) # _____            |
| <input type="checkbox"/> Drawings _____ Sheet(s) (FIGS. _____)  | <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts    |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal   | <input checked="" type="checkbox"/> Amendment/Response                      |
| <input type="checkbox"/> Utility Patent Application Transmittal   | <input type="checkbox"/> Petition for Ext. of Time (x2)                     |
| <input type="checkbox"/> Fee calculation sheet (x2)   | <input type="checkbox"/> Issue Fee Transmittal                              |
| <input type="checkbox"/> CPA Transmittal  | <input type="checkbox"/> Assignment and Coversheet                          |
| <input type="checkbox"/> Verified Statement claiming small entity status  | <input type="checkbox"/> Notice of Appeal                                   |
| <input type="checkbox"/> Request for Approval and Entry of Formal Drawings  | <input type="checkbox"/> Brief (x3)   |
|   | <input checked="" type="checkbox"/> Check for \$ <u>900</u> - Check # _____ |
|   | <input type="checkbox"/> Transmittal Letter (x2)                            |
|   | <input type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)               |

☒ Other SEQUENCE STATEMENT & SUBSTITUTE DISK

DATE MAILED MAY 25, 2004

COPY



Attorney Docket No.: C1041.70005US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wagner et al.  
Serial No.: 10/811,226  
Title: PHARMACEUTICAL COMPOSITION COMPRISING A  
POLYNUCLEOTIDE AND OPTIONALLY AN ANTIGEN  
ESPECIALLY FOR VACCINATION  
Filed: March 26, 2004  
Examiner: Unassigned  
Art Unit: 1614

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 25 day of May, 2004.

Helen C. Lockhart

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COPY**

TRANSMITTAL

Sir:

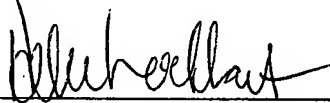
Transmitted herewith are the following document(s):

- ☒ Copy of Notice to File Missing Parts of Nonprovisional Application;
- ☒ Response to Notice to File Missing Parts;
- ☒ Statement Pursuant To 37 C.F.R. §1.821(f);
- ☒ Substitute CRF Sequence Listing Disk;
- ☒ Check in the amount of \$900.00; and
- ☒ Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check in the amount of \$900.00 is enclosed for the filing fees and late oath or declaration surcharge. If the fees are insufficient, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,



---

Helen C. Lockhart, Reg. No. 39,248  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
Tel: (617) 720-3500

Docket No.: C1041.70005US01

Date: May 25, 2004

x07/11/04

**COPY**





Attorney Docket No.: C1041.70005US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wagner et al.  
Serial No.: 10/811,226  
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Examiner: Unassigned  
Art Unit: 1614

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Helen C. Lockhart

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Commissioner for Patents  
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Respectfully submitted,



---

Helen C. Lockhart, Reg. No. 39,248  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
Tel: (617) 720-3500

Docket No.: C1041.70005US01

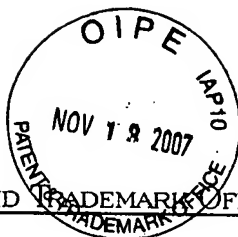
Date: May 5, 2004

x07/11/04

**COPY**



UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/811,226	03/26/2004	Hermann Wagner	C1041.70005US01

Helen C. Lockhart  
 Wolf, Greenfield & Sacks, P.C.  
 600 Atlantic Avenue  
 Boston, MA 02210

CONFIRMATION NO. 1072

**FORMALITIES LETTER**

\*OC000000012583574\*

Date Mailed: 05/11/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$900 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

**COPY**

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

N. Mohammed  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Attorney Docket No.: C1041.70005US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wagner et al.  
Serial No.: 10/811,226  
Title: PHARMACEUTICAL COMPOSITION COMPRISING A  
POLYNUCLEOTIDE AND OPTIONALLY AN ANTIGEN  
ESPECIALLY FOR VACCINATION  
Filed: March 26, 2004  
Examiner: Unassigned  
Art Unit: 1614

**COPY**

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

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Helen C. Lockhart

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

This is in response to the Notice to File Missing Parts of Nonprovisional Application that was mailed from the United States Patent and Trademark Office on May 18, 2004.

Enclosed, please find a substitute computer readable form copy of the Sequence Listing identical to the one filed on March 26, 2004. No new matter has been added. Also, enclosed is a check in the amount of \$900.00 to cover the cost of the basic filing fee (\$770.00) and late oath or declaration Surcharge (\$130.00).

Accordingly, Applicants believe that the enclosed check is responsive to the Notice to File Missing Parts.

**COPY**

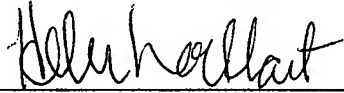
Serial No.: 10/811,226

2

Art Unit: 1614

If any other information is needed, please contact the undersigned attorney by phone (617) 720-3500 to expedite the further prosecution of this patent application. If the enclosed fees are not sufficient, the balance may be charged to our Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,



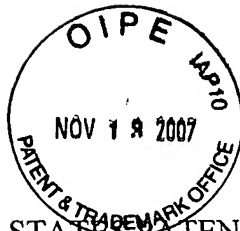
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Helen C. Lockhart, Reg. No. 39,248  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
Tel: (617) 720-3500

Docket No.: C1041.70005US01

Date: May 25 2004

x07/11/04x



**COPY**

Attorney Docket No.: C1041.70005US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Helen C. Lockhart

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Mail Stop Missing Parts  
Commissioner for Patents  
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Alexandria, VA 22313-1450

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**COPY**

Serial No.: 10/811,226

2

Art Unit: 1614

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Respectfully submitted,



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Helen C. Lockhart, Reg. No. 39,248  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
Tel: (617) 720-3500

Docket No.: C1041.70005US01

Date: May 25 2004

x07/11/04x





**COPY**

Attorney Docket No.: C1041.70005US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Helen C. Lockhart

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

STATEMENT PURSUANT TO 37 C.F.R. §1.821(f)

This statement is made pursuant to 37 C.F.R. §1.821(f). Applicants enclose herewith a substitute computer readable diskette. Applicants' representative states that the information recorded in the computer readable form is identical to the written Sequence Listing filed on March 26, 2004. No new matter has been added.

Respectfully submitted,

Helen C. Lockhart, Reg. No. 39,248  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
(617)720-3500

Attorney's Doc. No.: C1041.70005US01  
Date: May 25 2004  
x07/11/04x